

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

STARRED QUESTION NO:21
ANSWERED ON:27.02.2008
HUMAN ORGAN TRANSPLANTATION
Murmu Shri Hemlal;Nikhil Kumar Shri

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether some of the States in the country have not adopted the Transplantation of Human Organs Act, 1994;
- (b) if so, the details of such States and the reasons therefor;
- (c) whether the Government has any plan to modify/amend the said Act;
- (d) if so, the details thereof; and
- (e) the stringent measures taken or being taken by the Government to check the illegal activity of human organ trafficking?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE(DR. ANBUMANI RAMADOSS)

(a)to(e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 21 FOR 27TH FEBRUARY, 2008

(a)&(b): Jammu & Kashmir and Andhra Pradesh are the only two States who have not adopted the Transplantation of Human Organs Act, 1994, as they have their own laws similar to this act.

(c)&(d): Yes, Sir. The Hon`ble High Court of Delhi in CWP No. 813/2004 vide its order dated 6.9.2004 had set up a Committee to examine the provisions of Transplantation of Human Organs Act, 1994 and the Transplantation of Human Organs Rules, 1995. The report was submitted on 25.5.2005. A National Consultation was held on 18.5.2007 and the report was submitted in the second fortnight of August, 2007. The recommended changes required amendments in the Transplantation of Human Organs Act, 1994 and the Rules framed thereunder. These changes are intended to facilitate genuine cases, increase transparency in transplantation procedures and to provide deterrent penalties for violation of the law. In so far as the Act is concerned, the following amendments have been proposed:

- i) To empower Union Territories, specially Government of NCT of Delhi to have their own appropriate authority instead of DGHS and/or Additional DG (Hospitals).
- ii) To make the punishments under the Act harsh and cognizable for the illegal transplantation activities to deter the offenders from committing this crime.
- iii) To provide for registration of the centers for removal of organs from the cadavers and brain stem dead patients for harvesting of organs instead of registration of centres for transplantations only.
- iv) To allow swap operations between the related donor and recipients who do not match themselves but match with other similar donors/ recipients.

(e) Sale/purchase of human organs is already prohibited under Transplantation of Human Organs Act, 1994. Appropriate authorities established under this Act are responsible and empowered to check the illegal activities of human organs trafficking.